

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ERIE INSURANCE COMPANY,)	
)	Case No. 3:19-cv-375
<i>Plaintiff/Counter-Defendant,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge H. Bruce Guyton
CLAIRE RAUSER and CAROL RAUSER,)	
)	
<i>Defendants/Counter-Plaintiffs</i>)	
)	
<hr style="width: 40%; margin-left: 0;"/>)	
)	
CLAIRE RAUSER and CAROL RAUSER,)	
)	
<i>Third-Party Plaintiffs,</i>)	
)	
v.)	
)	
HITSON INSURANCE, INC., BRYAN)	
INSURANCE GROUP, INC., MATTHEW)	
BRYAN, and MICHELE SELF,)	
)	
<i>Third-Party Defendants.</i>)	

ORDER

Before the Court is the Defendant Erie Insurance Company’s (“Erie”) motion to continue. (Doc. 126.) The Court held a telephonic status conference on April 20, 2021 to discuss Erie’s motion. (Doc. 134.) During the conference, the Court directed the parties to provide an agreed date in October 2021 or early November 2021 for trial, but based on email correspondence sent to chambers, it appears that the parties were unable to reach an agreed date. The Court is unable to conduct trial in this case on June 7, 2021, as presently scheduled and is still evaluating options for conducting the trial away from Chattanooga. The Court will determine the trial location at a

later date. Accordingly, Erie's motion is **GRANTED** and the scheduling order in this case will be amended as follows:

1. **Disclosure and Discovery:**

- (a) **Pretrial Disclosures:** On or before **September 27, 2021**, the parties shall make the pretrial disclosures specified in Rule 26(a)(3)(A)(ii) and (iii). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

2. **Other Scheduling Matters:**

- (a) **Motions in Limine:** Any motions in limine must be filed no later than **October 4, 2021**. The Court will not entertain a motion to exclude expert testimony styled as a motion in limine. Any motions to exclude expert testimony pursuant to Fed. R. Evid. 702 must be filed on or before the *Daubert* motion deadline set forth in § 6(c).

- (b) **Special Requests to Instruct for Jury Trial:** The parties shall confer and submit a joint proposal for jury instructions on or before **October 18, 2021**. Before submitting the joint proposal to the Court, the parties must attempt to resolve any disagreements. To the extent there are disagreements as to specific instructions that cannot be resolved, the parties should provide competing instructions in their joint proposal. All jury instructions in the joint proposal, including agreed instructions and competing instructions, shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the proposed jury instructions should be sent to **mcdonough_chambers@tned.uscourts.gov**.

3. **Final Pretrial Conference:** A final pretrial conference will be held in Courtroom 1A on **October 25, 2021**, at **3:00 p.m.** at the U. S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at **http://www.tned.uscourts.gov**. The parties should file trial briefs on anticipated evidentiary and legal issues at least three business days before the Final Pretrial Conference. Prior to the final pretrial conference, the parties should file an exhibit list with exhibits pre-marked for identification purposes.

4. **Trial:** The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on **November 8, 2021**, at **9:00 a.m.** If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE**

COURT AND SEEK AN ORDER CHANGING THOSE DATES.¹

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

¹ The demands of the Court's docket dictate that all trials, including all pretrial hearings, in civil cases be conducted in Chattanooga, Tennessee. The Court will, however, entertain motions to conduct trial in another division of this Court upon a showing of good cause by the parties. Any such motions must be filed **after the dispositive motions deadline but no later than four weeks before the final pretrial conference**, and the grant or denial of the same rests in the Court's discretion.